

Application No.: 10/719,006
Filing Date.: November 20, 2003

REMARKS

Claims 24-25, 26-32 and 34-38 are pending in the instant application. Claims 24 and 29 have been amended to incorporate the limitations of dependent Claims 26 and 33, respectively. Claims 26 and 33 have been canceled. Thus, no new matter has been added.

Withdrawal of Double Patenting Rejection

Applicants gratefully acknowledge the withdrawal of the rejections of Claims 24-38 under the judicially created doctrine of obviousness-type double patenting.

Rejection of Claims 24-38 Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected Claims 24-38 under 35 U.S.C. § 112, first paragraph, as allegedly failing to provide enablement to practice the claimed methods. Specifically, the Examiner alleges that the specification does not enable a skilled artisan to amplify the heavy and light chains separately before fusion of myeloma cells. The Examiner cites several references that allegedly teach that heavy chain expression in the absence of light chain expression may be toxic for the cells. The Examiner concludes that it would require undue experimentation by one of skill in the art to practice the invention as claimed.

Applicants respectfully disagree, and maintain that the specification is sufficiently enabling. However, solely in an effort to expedite allowance of the instant claims, Applicants have amended independent Claims 24 and 29. As discussed in the interview on December 4, 2007, dependent Claims 26 and 33 should not have been rejected. Applicants have amended independent Claims 24 and 29 to incorporate the limitations of Claims 26 and 33, respectively, with minor amendment. Accordingly, Claims 24 and 29 now recite that "the first cell expresses an irrelevant light chain and expresses the heavy chain prior to fusion with the second cell." As such, Applicants submit that the claims are fully enabled, and respectfully request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

In view of the foregoing, Applicants respectfully submit that the only remaining rejections of the instant application have been overcome. Allowance of the instant application is therefore respectfully requested.

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CONCLUSION

The undersigned has made a good faith effort to respond to the rejection set forth in the Office Action and to place the claims in condition for allowance. Nevertheless, if any undeveloped issues remain, or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/7/08

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